

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

1) ERIC F. SCHOLL and)
2) JACQUELINE R. SCHOLL, individually)
and as parents and next friends of)
3) J.J.S., a minor child,)

Plaintiffs,

v.

1) WALGREENS SPECIALTY)
PHARMACY, LLC d/b/a ALLIANCERX)
WALGREENS PRIME, a foreign drug)
company, and)
2) WALGREENS SPECIALTY)
PHARMACY HOLDINGS, LLC, a foreign)
company,)

Defendants.

Case No.: 21-cv-00363-TCK-JFJ

NOTICE OF REMOVAL

COME NOW Walgreens Specialty Pharmacy, LLC d/b/a AllianceRx Walgreens Prime and Walgreens Specialty Pharmacy Holdings, LLC (hereinafter, “Defendants”), and hereby file this Notice of Removal pursuant to 28 U.S.C. § 1441(b) and 1446. In support, Defendants submit that this Court has subject matter jurisdiction over the claims raised in Plaintiff’s Petition pursuant to 28 U.S.C. § 1332. In further support, Defendants would state as follows:

1. On July 31, 2018, Plaintiff commenced an action in the District Court of Tulsa County, State of Oklahoma, by filing a Petition in Case No. CJ-2021-2181, styled *Eric F. Scholl and Jacqueline R. Scholl, individually and as parents and next friends of J.J.S., a minor child v. Walgreens Specialty Pharmacy, LLC d/b/a AllianceRx Walgreens Prime, a foreign drug company and Walgreens Specialty Pharmacy Holdings, LLC, a foreign company*. See Petition [Exhibit 1].

2. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332.

3. As per 28 U.S.C. § 1446(a) and Local Rule 81.2 of the United States District Court for the Northern District of Oklahoma, a clearly legible copy of Plaintiff's Petition [Exhibit 1]; Service of Mail of Walgreens Specialty Pharmacy, LLC d/b/a AllianceRx Walgreens Prime [Exhibit 2]; Service of Mail of Walgreens Specialty Pharmacy Holdings, LLC [Exhibit 3]; Defendants' Special Entry of Appearance and Reservation of Time [Exhibit 4] have been attached hereto. No other documents have been filed in Case No. CJ-2021-2181. *See* Docket Sheet [Exhibit 5].

4. Defendants file this Notice of Removal within thirty (30) days after the receipt by the Defendants of papers from which it was first ascertainable that the case is one which is removable.

5. Contemporaneous with the filing of this Notice of Removal, Defendants are providing written notice of filing to Plaintiff and will file a copy of this Notice of Removal with the District Court of Tulsa County, State of Oklahoma.

AMOUNT IN CONTROVERSY

6. In their Petition, Plaintiffs assert a claim of negligence against the Defendants arising from an incident(s) wherein Plaintiffs allegedly had difficulty obtaining prescription medication in May-July 2020 (exact dates of attempts are not provided). *See* Exhibit 1, ¶¶ 11-34.

7. Plaintiff seeks actual damages in "an amount in excess of the jurisdictional limit for diversity jurisdiction in federal court." *Id.* at p. 7. Therefore, the amount in controversy is in excess of the perquisite jurisdiction amount pursuant to 28 U.S.C. § 1332.

DIVERSITY OF CITIZENSHIP

8. Plaintiffs are citizens of the state of Oklahoma. *See* Petition, Exhibit 1, ¶ 1.

9. Defendant Walgreens Specialty Pharmacy, LLC is a Delaware Corporation with its principal place of business in Florida.

10. Defendant Walgreens Specialty Pharmacy Holdings, LLC is a Delaware Corporation with its principal place of business in Florida.

11. In light of the above, this Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332, because: (1) the citizenships of the Defendants are wholly diverse from the citizenship of Plaintiffs; and (2) the amount in controversy, exclusive of interest and costs, exceeds Seventy-Five Thousand Dollars (\$75,000.00).

WHEREFORE, Defendants hereby gives Notice of Removal of this case to the United States District Court for the Northern District of Oklahoma. Pursuant to Local Rule 81.2, a Status Report on Removed Action will be filed by Defendants. Pursuant to Federal Rule of Civil Procedure 81(c)(2), Defendants will file an answer or otherwise respond seven (7) days from the date of this Notice of Removal.

Respectfully submitted,

HOLDEN LITIGATION, *Holden P.C.*

/s Rhiannon K. Baker

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Pharmacy, LLC and Walgreens Specialty

Pharmacy Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2021, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

Andrew C. Jayne

/s Rhiannon K. Baker

Rhiannon K. Baker

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